

FILED

NOV - 6 2007

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND**

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANNIE R. SMITH,

Plaintiff,

v.

U.S. DEPARTMENT OF EDUCATION,
et al.,

Defendants.

No. C 07-04885 CW

ORDER TO SHOW CAUSE

Plaintiff brings this lawsuit on behalf of her grandson, a minor, alleging that Defendants violated his civil rights under various federal statutes. The events giving rise to this action all occurred in the Western District of North Carolina, where Plaintiff is currently prosecuting another lawsuit apparently based on the same set of events. None of the parties reside in the Northern District of California, and there is no apparent connection between the Northern District of California and the cause of action.

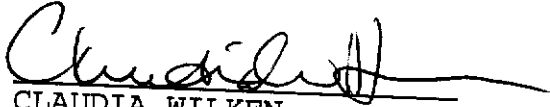
Pursuant to 28 U.S.C. § 1391(b), when jurisdiction is not based solely on diversity of citizenship, an action may be brought only in: (1) the district in which any defendant resides, if all of

1 the defendants reside in the same state; (2) the district in which
2 a substantial part of the events or omissions giving rise to the
3 claim occurred, or a substantial part of the property that is the
4 subject of the action is situated; or (3) a judicial district in
5 which any defendant may be found, if there is no district in which
6 the action may otherwise be brought. When venue is improper, a
7 district court may dismiss the case or, if it is in the interest of
8 justice, transfer the case to any other district in which it could
9 have been brought. 28 U.S.C. § 1406(a). A district court may
10 raise the issue of venue sua sponte. See Costlow v. Weeks, 790
11 F.2d 1486, 1488 (9th Cir. 1986).

12 Therefore, IT IS HEREBY ORDERED that Plaintiff shall show
13 cause by declaration filed with the Court within ten days of this
14 order, and served on all parties who have appeared as of that date,
15 why this case should not be dismissed or transferred to the Western
16 District of North Carolina for improper venue.

17 IT IS SO ORDERED.

18
19 Dated: NOV 06 2007


CLAUDIA WILKEN
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SMITH et al,

Plaintiff,

v.

U.S. DEPARTMENT OF EDUCATION et al,

Defendant.

Case Number: CV07-04885 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 7, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Annie R. Smith
5906 Barrington Drive
Charlotte, NC 28215

Dated: November 7, 2007

Richard W. Wieking, Clerk
By: Clara Pierce, Deputy Clerk